



# TITLE V OPERATING PERMIT

Permit No: **TV-OP-026**  
Date Issued: **May 25, 2000**

This certifies that:  
**Tillotson Healthcare Corporation**  
**RFD 1, Box 2000**  
**Dixville Notch, NH 03576**

has been granted a Title V Operating Permit for the following facility and location:  
**Tillotson Healthcare Corporation**  
**RFD 1, Box 2000**  
**Dixville Notch, NH 03576**

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services on **June 28, 1996** under the signature of the following responsible official certifying to the best of their knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:  
**Ronald Guerin**  
**Plant Engineer**  
**(603) 255-3881**

Technical Contact:  
**Ronald Guerin**  
**Plant Engineer**  
**(603) 255-3881**

This Permit is issued by the New Hampshire Department of Environmental Services, Air Resources Division pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **May 25, 2005**.

**SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS**

For the New Hampshire Department of Environmental Services, Air Resources Division

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Director, Air Resources Division

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## Facility Specific Title V Operating Permit Conditions

### I. Facility Description of Operations:

Tillotson Healthcare Corporation manufactures rubber products in Dixville Notch, New Hampshire. The primary source of air pollutant emissions at the facility are generated from fuel-burning devices which produce criteria pollutant emissions, and from coating and dipping operations which produce Volatile Organic Compounds (VOC) and Hazardous Air Pollutant (HAP) emissions.

### II. Permitted Activities:

In accordance with all of the applicable requirements identified in the Permit, the Permittee is authorized to operate the devices and/or processes identified in Sections III, IV, V, and VI within the terms and conditions specified in this permit.

### III. Significant Activities Identification:

#### A. Significant Activities:

The activities identified in Table 1 – Significant Activity Identification are subject to and regulated by this Title V Operating Permit.

| Table 1 – Significant Activity Identification |   |                              |  |
|---|---|------------------------------|--|
| Emission Unit Number (EU#)                    | Description of Emission Unit                            | Exhaust Stack Identification | Emissions Unit Maximum Design Capacity   |
| EU1   | Wickes Type A Wood-Fired Boiler<br>Serial number NB2884 | Stack #1                     | Limited to a maximum firing rate of 52.8-mmBtu/hr gross heat input, with a maximum of 57,000 tons of wood during any consecutive 12-month period.  |
| EU2   | Wickes Type A Boiler<br>Serial number NB2480            | Stack #2                     | Limited to 33.2-mmBtu/hr gross heat input at a maximum of 5,300 gallons per day of #6 fuel oil with a maximum sulfur content of 0.5% by weight.  |
| EU3   | 150 HP Dillon Boiler #1<br>Serial number 2RLHC024880    | Stack #3                     | Limited to 8.2-mmBtu/hr gross heat-input each at a maximum of 87.0 gallons per hour combined of #6 fuel oil with a maximum sulfur content of 0.5% by weight or a combined maximum of 38 hours of operation per consecutive 24-hour period.   |
| EU4   | 150 HP Dillon Boiler #2<br>Serial number HC0269         |                              |  |
| EU5   | 400 KW Cat Diesel Generator,<br>Serial number 76B415    | Stack #4                     | All emergency generators at a stationary source, which operate less than 500 hours and emissions of NOx from all such generators are less than 25 tons during any consecutive 12-month period, shall be exempt from the requirements of Env-A 1211.02(i). EU5 and EU6 shall be limited to 500 hours of operation each per any consecutive 12-month period. |
| EU6   | 600 KW Diesel Generator,<br>Serial number 81Z08025      | Stack #5                     |  |

**Table 1 – Significant Activity Identification**

| <b>Emission Unit Number (EU#)</b> | <b>Description of Emission Unit</b>        | <b>Exhaust Stack Identification</b> | <b>Emissions Unit Maximum Design Capacity</b>  |
|-----------------------------------|--|-------------------------------------|--|
| EU7                               | First Floor Conveyors <sup>1</sup>         | Stack #6 <sup>2</sup>               | Facility wide emission limit of 11.98 tons per consecutive 12-month period of ammonia based on modeling performed by DES on March 10, 2000 to demonstrate compliance with the state-only requirement Env-A 1400 pertaining to ambient air impacts of regulated toxic air pollutants (RTAPS). |
| EU8                               | Second Floor Compound Room <sup>3</sup>    | Stack #7 <sup>4</sup>               |  |
| EU9                               | Glove Form Ovens – First and Second Floors | Stack #8 <sup>5</sup>               |  |

**B. Stack Criteria:**

The stacks indicated in Table 2 – Stack Criteria for the significant devices indicated in Table 1 shall discharge vertically without obstruction (including rain caps) and meet the following criteria in accordance with the state-only modeling requirements specified in Env-A 1300 and Env-A 1400.

**Table 2 – Stack Criteria**

| <b>Stack #</b>        | <b>Emission Unit #</b> | <b>Minimum Stack Height (feet) Above Ground Level</b>      | <b>Minimum Stack Flow Rate (ACFM)</b>                         | <b>Maximum Stack Diameter or Dimensions (feet)</b>           |
|-----------------------|------------------------|--|---|--|
| Stack #1              | EU1                    | 45.0   | 25,000  | 4.0  |
| Stack #2              | EU2                    | 41.0   | 30,500  | 2.5  |
| Stack #3              | EU3 & EU4              | 51.0   | 28,060  | 3.5  |
| Stack #4              | EU5                    | 14.0   | 3,020   | 0.665  |
| Stack #5              | EU6                    | 14.0   | 4,997   | 0.665  |
| Stack #6 <sup>2</sup> | EU7 <sup>1</sup>       | Heights vary – reference Drawing No Roof 1, dated 11/29/95 | Flow Rates Vary – reference Drawing No Roof 1, dated 11/29/95 | Diameters vary – reference Drawing No Roof 1, dated 11/29/95 |
| Stack #7 <sup>4</sup> | EU8 <sup>3</sup>       | Heights vary – reference Drawing No Roof 1, dated 11/29/95 | Flow Rates Vary – reference Drawing No Roof 1, dated 11/29/95 | Diameters vary – reference Drawing No Roof 1, dated 11/29/95 |
| Stack #8 <sup>6</sup> | EU9                    | 27.0   | 1,500   | 3.0  |

<sup>1</sup> Consists of various conveyors as designated in Tillotson HealthCare Drawing No Roof 1, dated 11/29/95 submitted with the Title V application.

<sup>2</sup> Stack #6 consists of exhaust points 1, 2, 3, 39, 7, 8, 9, 10, 11, 12, 13, 18 & 19 as designated in Tillotson HealthCare Drawing No Roof 1, dated 11/29/95, submitted with the Title V application.

<sup>3</sup> Consists of various tanks and processes in the second floor compound room as designated in Tillotson HealthCare Drawing No Roof 1, dated 11/29/95 submitted with the Title V application.

<sup>4</sup> Stack #7 consists of exhaust points 6, 14, 17, & 36 as designated in Tillotson HealthCare Drawing No Roof 1, dated 11/29/95 submitted with the Title V application.

<sup>5</sup> Stack #8 designated as exhaust point 5 on Tillotson HealthCare Drawing No Roof 1, dated 11/29/95 submitted with the Title V application.

<sup>6</sup> Stack #8 designated as exhaust point 5 on Tillotson HealthCare Drawing No Roof 1, dated 11/29/95 submitted with the Title V application.

Preauthorized changes to the state-only requirements<sup>7</sup> pertaining to stack parameters set forth in this permit, shall be permitted only when an air-quality impact analysis, which meets the criteria of Env-A 606 is performed either by the facility or the DES (if requested by the facility in writing) in accordance with the “DES Policy and Procedures for Air Quality Modeling”. All air modeling data shall be kept on file at the facility for review by the DES upon request.

#### **IV. Insignificant Activities Identification:**

All activities at this facility that meet the criteria identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(g), shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this Permit.

#### **V. Exempt Activities Identification:**

All activities identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(c), shall be considered exempt activities and shall not be included in the total facility emissions for the emission based fee calculation described in Section XXIII of this permit.

#### **VI. Pollution Control Equipment/Technique Identification:**

The device identified in Table 3 – Pollution Control Equipment Identification, is considered pollution control equipment for each identified activity.

| <b>Table 3 – Pollution control Equipment Identification</b> |  |   |  |
|---|--|---|--|
| <b>Pollution Control Equipment Number (PCE#)</b>            | <b>Description of Equipment</b>                        | <b>Minimum Efficiency of Equipment</b>  | <b>Activity</b>  |
| PCE1  | Multi-cyclone dust collector without ash re-injection. | ≥90% based on modeling performed to demonstrate compliance with the National Ambient Air Quality Standard (NAAQS) for particulate matter. | Controls particulate matter emissions from operation of EU1. |

All equipment, facilities and systems installed and used to achieve compliance with the terms and conditions of this Permit, shall at all times be maintained in good working order, and shall be operated as efficiently as possible so as to minimize air pollutant emissions and meet all applicable air pollution emission limits. The control listed shall be fully operational upon facility startup and shall not be bypassed during startup, operation, or shutdown of this boiler.

The pollution control equipment shall be maintained regularly, in accordance with the manufacturers recommended maintenance schedules and specifications. The Facility shall keep all maintenance records, on file for review upon request by DES and/or EPA.

<sup>7</sup> The term “state-only requirement” is used to refer to those requirements that are not federally enforceable but are state requirements as defined in Env-A 101.259.

**VII. Alternative Operating Scenarios:**

No alternative operating scenarios were identified for this permit.

**VIII. Applicable Requirements:****A. State-only Enforceable Operational and Emission Limitations:**

The Permittee shall be subject to the state-only operational and emission limitations identified in Table 4 – State-only Enforceable Operational and Emission Limitations below.

| <b>Table 4 – State-only Enforceable Operational and Emission Limitations</b> |   |                                 |                        |
|--|---|---------------------------------|------------------------|
| <b>Item #</b>  | <b>Applicable Requirements</b>  | <b>Applicable Emission Unit</b> | <b>Regulatory Cite</b> |
| 1.   | New or modified devices, new or modified area sources for which new applications for permits are filed that have the potential to emit, in any amount, substances that meet the criteria of Env-A 1301 shall be subject to Env-A 1300, until such time as the Env-A 1400 requirements supersede the Env-A 1300 requirements. (As outlined below)  | Facility Wide                   | Env-A 1305.01(a)       |
| 2.   | Air quality impact analysis of devices and area sources emitting substances meeting the criteria of Env-A 1300, shall be performed in accordance with the “DES Policy and Procedures for Air Quality Impact Modeling” or other comparable dispersion modeling methods approved by EPA.  | Facility Wide                   | Env-A 1305.02          |
| 3.   | In accordance with Env-A 1403.01, new or modified devices or processes installed after May 8, 1998, shall be subject to the requirements of Env-A 1400  | Facility Wide                   | Env-A 1403.01.         |
| 4.   | In accordance with 1403.02(a), all existing unmodified devices or processes, which are in operation during the transition period ending three years from May 8, 1998 (May 8, 2001), shall comply with either Env-A 1300 or Env-A 1400.  | Facility Wide                   | Env-A 1403.02(a)       |
| 5.   | In accordance with Env-A 1403.02(b), all existing devices or processes in operation after the transition period ending three years from May 8, 1998 (May 8, 2001), shall comply with Env-A 1400. Env-A 1300 will no longer be in effect.  | Facility Wide                   | Env-A 1403.02(b)       |
| 6.   | In accordance with Env-A 1404.01(d), documentation for the demonstration of compliance shall be retained at the facility, and shall be made available to the DES for inspection.  | Facility Wide                   | Env-A 1404.01(d)       |
| 7.   | The owner of an existing device or process requiring a permit under chapter Env-A 1400, shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), an application for modification to a title V permit in accordance with Env-A 609.18. A request to the DES to perform air dispersion modeling shall also be submitted at that time.  | Facility Wide                   | Env-A 1405.02          |
| 8.   | The owner of an existing device or process requiring a permit under Env-A 1300, shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), a compliance plan identifying how the device or process will comply with chapter Env-A 1400 by the end of the transition period. The compliance plan shall contain the dates when the information required in Env-A 1405.02 will be filed with the DES. | Facility Wide                   | Env-A 1405.03          |

**Table 4 – State-only Enforceable Operational and Emission Limitations**

| Item # | Applicable Requirements   | Applicable Emission Unit | Regulatory Cite                         |
|--------|---|--------------------------|---|
| 9.     | In accordance with Env-A 1406.01, the owner of any device or process, which emits a regulated toxic pollutant, shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1406.02, Env-A 1406.03, or Env-A 1406.04. Upon request, the owner of any device or process, which emits a regulated toxic air pollutant, shall provide documentation of compliance with the ambient air limits to the DES.                                | Facility Wide            | Env-A 1406.01                           |
| 10.    | The facility shall be limited to 11.98 tons per consecutive 12-month period and 2.90 pounds per hour of ammonia emissions <sup>8</sup> in order to comply with the applicable requirements of RSA 125-C:11, Env-A 606.04 and Env-A 1400. These sections include, but are not limited to, descriptions of the requirements for adherence to permit application procedures, air pollutant dispersion modeling impact analysis, and ambient air limitations of toxic pollutants. | Facility Wide            | RSA 125-C:11, Env-A 606.04 & Env-A 1400 |

## **B. Federally Enforceable Operational and Emission Limitations**

The Permittee shall be subject to the Federally enforceable operational and emission limitations identified in Table 5 – Federally Enforceable Operational and Emission Limitations below:

**Table 5 – Federally Enforceable Operational and Emission Limitations**

| Item # | Applicable Requirement  | Applicable Emission Unit | Regulatory Cite                  |
|--------|---|--------------------------|----------------------------------|
| 1.     | The sulfur content of No. 2 oil and off road diesel fuel oil shall not exceed 0.40 percent sulfur by weight.  | Facility Wide            | Env-A 1604.01(a)                 |
| 2.     | The sulfur content of No. 5 oil and No. 6 fuel oil shall not exceed 0.50 percent sulfur by weight.  | Facility Wide            | Env-A 1604.01(c)(2)              |
| 3.     | <p>No owner or operator shall cause or allow average opacity from fuel burning devices installed after May 13, 1970 in excess of 20 percent for any continuous 6-minute period in any 60-minute period except:</p> <ul style="list-style-type: none"> <li>a) During periods of startup, shutdown and malfunction, average opacity shall be allowed to be in excess of 20 percent for one period of 6 continuous minutes in any 60 minute period; or</li> <li>b) During periods of normal operation, soot blowing, grate cleaning, and cleaning of fires, average opacity shall be allowed to be in excess of 20 percent but not more than 27 percent for one period of 6 continuous minutes in any 60 minute period.</li> </ul> | EU 1, EU2 & EU6          | Env-A 2003.02 & Env-A 2003.04(a) |

<sup>8</sup> The facility may make adjustments to parameters that affect the air dispersion modeling analysis conducted by DES on March 10, 2000 in order to demonstrate that an alternative emission limitation can be established which would demonstrate compliance with the 24-hour and annual AALs for ammonia. Any adjustments to parameters which affect the air dispersion modeling analysis conducted by DES on March 10, 2000 and which result in new modeled impacts shall be reported to DES. DES shall then notify the facility in writing of any revised emission limitation as a result of such adjustments. Such written notification shall be attached to this Title V Operating Permit as an addendum. The revised emission limit will be incorporated into this Permit upon re-issuance.

**Table 5 – Federally Enforceable Operational and Emission Limitations**

| Item # | Applicable Requirement   | Applicable Emission Unit | Regulatory Cite                    |
|--------|--|--------------------------|------------------------------------|
| 4.     | No owner or operator shall cause or allow average opacity from fuel burning devices installed on or prior to May 13, 1970 in excess of 40 percent for any continuous 6-minute period in any 60-minute period.  | EU3, EU4 & EU5           | Env-A 2003.01                      |
| 5.     | Unless otherwise specified in Env-A 2100, no person shall cause or allow visible fugitive emissions or visible stack emissions for any process, manufacturing or service-based industry to exceed an average of 20 percent opacity for any continuous 6-minute period in any 60-minute period, except where opacity is specified differently for fuel burning devices in Env-A 2003.   | Facility Wide            | Env-A 2107.01(a)                   |
| 6.     | <p>No owner or operator shall cause or allow emissions of particulate matter from fuel burning devices installed after May 13, 1970 but before January 1, 1985 in excess of the rates set forth below, where:</p> <p>For devices with I (maximum gross heat input rate in <math>10^6</math> BTU/hr) equal to or greater than 10 but less than 250, E (the maximum allowable particulate matter emission rate in lb/<math>10^6</math> BTU) shall be calculated by raising I to the <math>-0.234</math> power, and multiplying the result by 1.028, expressed mathematically in the formula below:</p> $E = 1.028I^{-0.234}$ | EU1 & EU2                | Env-A 2003.07(c)(2)                |
| 7.     | No owner or operator shall cause or allow emissions of particulate matter from fuel burning devices installed on or before January 1, 1985, with maximum gross heat input less than 100 mmBTU/hr, in excess of 0.30 lb/mmBtu.  | EU6                      | Env-A 2003.08(c)(1)                |
| 8.     | No owner or operator shall cause or allow emissions of particulate matter from fuel burning devices installed on or prior to May 13, 1970 with maximum gross heat input rate less than 10 mmBTU/hr in excess of 0.60 lb/mmBtu.   | EU3, EU4 & EU5           | Env-A 2003.06(c)(1)                |
| 9.     | <p>Calculation of Particulate Matter Emission Standards for New Devices.</p> <p>Particulate matter emissions from a 'New Device'<sup>9</sup>, with process weight rate up to 60,000 pounds per hour, shall not exceed the emission rate averaged over a one hour period as specified in the formula below:</p> $E = 4.10 \times P^{0.67}$ <p>Where p (the process weight rate in tons per hour) shall be raised to the 0.67 power and multiplied by 4.10.</p>  | Facility Wide            | Env-A 2103.02(c)(1)                |
| 10.    | <p>Calculation of Particulate Matter Emission Standards for Existing Devices.</p> <p>Where the process weight rate is not explicitly stated in Env-A 2103.01, Table 2103-1, the maximum allowable particulate matter emissions from a 'Existing Device'<sup>10</sup>, with process weight rate up to 60,000 pounds per hour, shall not exceed the emission rate averaged over a one hour period as specified in the formula below:</p> $E = 5.05 \times P^{0.67}$ <p>Where p (the process weight rate in tons per hour), shall be raised to the 0.67 power and multiplied by 5.05.</p>                                     | Facility Wide            | Env-A 2103.01(c) and/or 2103.02(b) |

<sup>9</sup> New Device - A process or device, used by a manufacturing and service-based industry installed after February 18, 1972.

<sup>10</sup> Existing Device - A process of device, used by a manufacturing and service-based industry installed prior to or on February 18, 1972.

**Table 5 – Federally Enforceable Operational and Emission Limitations**

| Item # | Applicable Requirement   | Applicable Emission Unit | Regulatory Cite                            |
|--------|--|--------------------------|--|
| 11.    | <p>Accidental Release Program Requirements.</p> <p>Storage of regulated chemicals at the facility, are less than the applicable threshold quantities established in 40 CFR 68.130. Administrative controls will be established in order to ensure that inventories of regulated substances are maintained below the specified threshold quantities. The facility is subject to the Purpose and General Duty clause of the 1990 Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities:</p> <ul style="list-style-type: none"> <li>a) Identify potential hazards which result from such releases using appropriate hazard assessment techniques;</li> <li>b) Design and maintain a safe facility;</li> <li>c) Take steps necessary to prevent releases; and</li> <li>d) Minimize the consequences of accidental releases, which do occur.</li> </ul> <p>If, in the future, the facility wishes to store quantities of high risk regulated substances above the threshold levels, an emergency response plan shall be submitted to the DES in a timely manner. This plan shall include the information listed in 40 CFR 68, Subpart E.</p> | Facility Wide            | 40 CFR 68                                  |
| 12.    | <p>The Permittee has accepted a Permit restriction limiting the Facility wide NO<sub>x</sub> emissions to less than 49.9 tons during any consecutive 12-month period in accordance with Env-A 1211.02(n) to opt out of the requirements of NO<sub>x</sub> RACT. Actual Facility wide NO<sub>x</sub> emissions shall be calculated using the Formulas #1, #2, and #3 below.</p>   | Facility Wide            | Env-A 1211.02(n)                           |
| 13.    | <p>The Permittee has accepted a Permit restriction limiting the SO<sub>2</sub> emissions from the Wickes Type A boiler (EU2) to less than 39.9 tons during any consecutive 12-month period based on ambient air impact modeling conducted by NHDES on June 10, 1999 to demonstrate compliance with the NAAQS. EU2 shall be limited to 33.2mmBTU per hour gross heat input at a maximum of 5,300 gallons per day of #6 fuel oil with a maximum sulfur content of 0.5% by weight. Dillon boiler #1 (EU3) and Dillon boiler #2 (EU4), shall each be limited to 8.2-mmBTU per hour gross heat input, a combined maximum of 87.0 gallons per hour of #6 fuel oil with a maximum sulfur content of 0.5% by weight or combined maximum of 38 hours of operation per consecutive 24-hour period.<sup>11</sup></p>  | EU2, EU3 & EU4           | 40 CFR 51                                  |
| 14.    | <p>The Facility shall comply with the National Ambient Air Quality Standards (NAAQS) and the applicable requirements of RSA 125-C:6, RSA C:11 and Env-A 606.04.</p>  | Facility Wide            | RSA 125-C:6, RSA 125-C:11 and Env-A 606.04 |

<sup>11</sup> The facility may make adjustments to parameters that affect air dispersion modeling analysis conducted by DES on June 10, 1999 in order to demonstrate that alternative emission limitations can be established which would demonstrate compliance with the NAAQS for SO<sub>2</sub>. Any adjustments to parameters, which affect the air dispersion modeling analysis conducted by DES on June 10, 1999, which result in new, modeled impacts shall be reported to DES. DES shall then notify the facility in writing of any revised emission limitation as a result of such adjustments. Such written notification shall be attached to this Title V Operating Permit as an addendum. The revised emission limit will be incorporated into this Permit upon re-issuance.

The Permittee shall use the following formulas, calculated on a rolling 12-month basis to verify compliance with the condition specified in Table 5, Item 13 of this Permit:

### Formula #1: Facility Wide 12-month Rolling NOx Emissions

$$NOx_{Facility} = [NOx_{(Boilers)} + NOx_{(Em-Gen)}] + [P11MT]$$

Where:

|                      |   |
|----------------------|---|
| $NOx_{(Facility)}$ = | Actual facility wide NOx emissions (in TPY)   |
| $NOx_{(Boilers)}$ =  | Actual NOx emissions from the Emissions Units #1, 2, 3 & 4 (in TPY) using Formula #2.   |
| $NOx_{(Em-Gen)}$ =   | Actual NOx emissions (in TPY) from Emission Units 5 & 6 (Emergency Generators) and insignificant activities using Formula #3.               |
| P11MT=               | Sum of the previous 11 months combined actual NOx emissions from Emissions Units # 1, 2, 3, 4, 5 & 6 and insignificant activities (in TPY). |

### Formula #2: Monthly NOx Emissions from Boilers<sup>12</sup>

$$NOx_{(Boilers)} = \left[ (BW * 1.5 \text{ lb/ton}) + (BO * 55.0 \text{ lb/kGal}) \right] / [2000 \text{ lb/ton}]$$

Where:

|        |   |
|--------|---|
| BW =   | Actual Boiler (EU#1) wood usage (in tons) per month                                     |
| BO =   | Combined actual boiler (EU#2, EU#3, and EU#4) no. 6 fuel oil usage (in kGal) per month. |
| KGal = | 1,000 gallons of fuel oil   |

### Formula #3: Monthly NOx Emissions from Emergency Generator and Insignificant Activities<sup>13</sup>

$$NOx_{(Em-Gen)} = \left[ (EU\#5 * 604.2 \text{ lb/kGal}) + (EU\#6 * 604.2 \text{ lb/kGal}) + (IA * AP - 42EF) \right] / [2000 \text{ lb/ton}]$$

Where:

|           |  |
|-----------|--|
| EU#5 =    | Actual diesel fuel usage in Emission Unit #5 (in kGal) per month.  |
| EU#6 =    | Actual diesel fuel usage in Emission Unit #6 (in kGal) per month   |
| IA =      | Total fuel usages for Insignificant Activities per month (including all insignificant activities at the facility for this calculation, including but not limited to; other emergency generators, small boilers, space heaters etc.). |
| AP-42EF = | AP-42 emission factor  |

## C. Emission Reductions Trading Requirements

The Permittee did not request emissions reductions trading in its operating permit application. At this point, DES has not included any permit terms authorizing emissions trading in this

<sup>12</sup> Actual NOx emissions from EU1, EU2, EU3 and EU4 for verification of compliance with the NOx RACT rule (Env-A 1211.02(m)), shall be determined by using the appropriate EPA AP-42 NOx emission factor for no. 6 fuel oil and wood.

<sup>13</sup> Actual NOx emissions from Emission Units # 5 and #6 and all insignificant activities for verification of compliance with the NOx RACT rule (Env-A 1211.02(m)), shall be determined by using the appropriate EPA AP-42 NOx emission factors for diesel.

permit. All emission reduction trading, must be authorized under the applicable requirements of either Env-A 3000 (the “Emissions Reductions Credits (or ERCs) Trading Program”) or Env-A 3000 (the “Discrete Emissions Reductions (or DERs) Trading Program”) and 42 U.S.C § 7401 et seq. (The “Act”), and must be provided for in this permit.

#### **D. Monitoring and Testing Requirements:**

The Permittee is subject to the monitoring and testing requirements as contained in Table 6 – Monitoring/Testing Requirements, below:

| <b>Table 6 – Monitoring/Testing Requirements</b> |   |   |   |                             |   |
|--|---|---|---|-----------------------------|---|
| <b>Item #</b>                                    | <b>Parameter</b>  | <b>Method of Compliance</b>   | <b>Frequency of Method</b>                    | <b>Device</b>               | <b>Regulatory Cite</b>                                      |
| 1.   | Allows for adequate dispersion of HAPs and other regulated pollutants | Conduct an annual inspection of each stack and boiler. Inspections shall be focused on identifying holes, leaks, deposits, deficiencies, or deterioration of equipment and stacks. The facility shall keep on file records of inspections, and subsequent maintenance, conducted as a result of the annual inspections, and will be made available for review by DES and/or EPA upon request.                           | Annually                                      | Facility Stacks and boilers | Env-A 806.01(4) and 40 CFR 70.6(a)(3) Federally Enforceable |
| 2.   | Sulfur content of liquid fuels  | The operator shall conduct testing in accordance with appropriate ASTM test methods or retain delivery tickets which certify the weight percent of sulfur for each delivery of fuel oil to determine compliance with the sulfur content limitation provisions specified in this permit for liquid fuels in order to meet the reporting requirements specified in Env-A 900.   | For each delivery of fuel oil to the facility | Facility Wide               | Env-A 809.01 Federally Enforceable                          |
| 3.   | Particulate Matter  | The pollution control equipment (PCE1) shall be maintained regularly, in accordance with the manufacturers recommended maintenance schedules and specifications to maintain $\geq 90\%$ efficiency. Upon request by DES or EPA, compliance shall be determined using EPA approved stack testing methods. The Facility shall keep all maintenance and repair records, on file for review upon request by DES and/or EPA. | As required by the manufacturer               | EU1                         | Env-A 806.01(4) and 40 CFR 70.6(a)(3) Federally Enforceable |
| 4.   | Periodic Monitoring   | The #6 fuel oil usage for Dillon boilers #1 and #2 shall be monitored on an hourly basis along with the daily hours of operation. Fuel flow meters/recorders will be operated and maintained for each of the two Dillon boilers to monitor individual #6 fuel oil usage. Fuel flow meters shall be calibrated in accordance with the manufacturers specifications.  | Hourly  | EU3 & EU4                   | Env-A 806 & 40 CFR 70.6 (a)(3)(i)(B) Federally Enforceable  |
| 5.   | Periodic Monitoring   | The #6 fuel oil usage for the Wicks Type-A boiler shall be monitored on a daily basis along with the hours of operation.  | Daily   | EU2                         | Env-A 806 & 40 CFR 70.6 (a)(3)(i)(B) Federally Enforceable  |

**Table 6 – Monitoring/Testing Requirements**

| Item # | Parameter           | Method of Compliance  | Frequency of Method | Device | Regulatory Cite  |
|--------|---------------------|---|---------------------|--------|--|
| 6.     | Periodic Monitoring | The wood usage for the Wicks Wood-Fired boiler shall be monitored on a monthly basis along with the hours of operation. | Monthly             | EU1    | Env-A 806 & 40 CFR 70.6 (a)(3)(i)(B) Federally Enforceable |

**E. Recordkeeping Requirements:**

The Permittee shall be subject to the recordkeeping requirements identified in Table 7 – Applicable Recordkeeping Requirements below:

**Table 7 – Applicable Recordkeeping Requirements**

| Item # | Applicable Recordkeeping Requirement   | Records Retention Requirement   | Applicable Emission Unit | Regulatory Cite.                               |
|--------|--|---------------------------------|--------------------------|--|
| 1.     | The Permittee shall retain records of all required monitoring data, recordkeeping and reporting requirements, and support information for a period of at least 5 years from the date of origination.   | Retain for a minimum of 5 years | Facility Wide            | 40 CFR 70.6(a)(3)(ii)(B) Federally Enforceable |
| 2.     | <p>The Permittee shall maintain records of monitoring requirements as specified in <b>Table 6</b>, Items 1, 2, 3, and 4 of this Permit including:</p> <ul style="list-style-type: none"> <li>a) Preventative maintenance and inspection results for stacks, processes and boilers;</li> <li>b) Summary of testing and/or delivery ticket certifications for sulfur content limitation provisions;</li> <li>c) Summary of maintenance and repair records for PCE1; and</li> <li>d) Summary of maintenance, repair, and calibration records for the fuel flow meters on Dillon boilers #1 and #2.</li> </ul> | Maintain on a continuous basis  | Facility Wide            | 40 CFR 7.6(a)(3)(iii)(A) Federally Enforceable |

**Table 7 – Applicable Recordkeeping Requirements**

| <b>Item #</b> | <b>Applicable Recordkeeping Requirement</b>  | <b>Records Retention Requirement</b> | <b>Applicable Emission Unit</b> | <b>Regulatory Cite.</b>                    |
|---------------|--|--------------------------------------|---------------------------------|--|
| 3.            | <p>Delivery tickets from each fuel oil supplier for each shipment of fuel oil received shall be kept on file in a form suitable for inspection and shall be available to the DES and/or EPA upon request. Each delivery ticket shall indicate:</p> <ul style="list-style-type: none"> <li>a) The name of the fuel supplier;</li> <li>b) The address of the fuel oil supplier;</li> <li>c) The telephone number of the fuel oil supplier;</li> <li>d) The quantity of fuel oil delivered; and</li> <li>e) The percent sulfur by weight of the fuel oil being delivered.</li> </ul> <p>If delivery tickets do not contain sulfur content of fuel being delivered, the Permittee shall perform testing in accordance with appropriate ASTM test methods to determine compliance with the sulfur content limitation provisions in Env-A 1604.01(a) and 1604.01(c)(2) for liquid fuels.</p> | Maintain on a continuous basis       | Facility Wide                   | 40 CFR 70.6(a)(3)<br>Federally Enforceable |
| 4.            | <p>The Permittee shall record monthly fuel usage information including:</p> <ul style="list-style-type: none"> <li>a) The quantity of fuel used monthly;</li> <li>b) The fuel type; and</li> <li>c) The calculated MMBtu/ton of fuel.</li> </ul> <p>If more than one type of fuel is used, data on each fuel shall be recorded separately.</p>   | Maintain on a continuous basis       | EU1                             | ENV-A 901.03<br>Federally Enforceable      |
| 5.            | <p>The Permittee shall record monthly fuel usage information including:</p> <ul style="list-style-type: none"> <li>a) The quantity of fuel used per month;</li> <li>b) The fuel type;</li> <li>c) The calculated MMBtu/gallon of fuel; and</li> <li>d) The sulfur content as percent sulfur by weight of fuel.</li> </ul> <p>If more than one type of fuel is used, data on each fuel shall be recorded separately.</p>  | Maintain on a continuous basis       | EU2                             | ENV-A 901.03<br>Federally Enforceable      |

**Table 7 – Applicable Recordkeeping Requirements**

| <b>Item #</b> | <b>Applicable Recordkeeping Requirement</b>   | <b>Records Retention Requirement</b>  | <b>Applicable Emission Unit</b> | <b>Regulatory Cite.</b>               |
|---------------|---|---|---------------------------------|---------------------------------------|
| 6.            | <p>The Permittee shall record fuel usage information for each of the Dillon boilers in a permanently bound logbook, including:</p> <ul style="list-style-type: none"> <li>a) If the Permittee chooses to limit the boilers hours of operation to meet SO<sub>2</sub> permit limits, the following information shall be recorded: <ul style="list-style-type: none"> <li>1. The dates when each boiler is run; and</li> <li>2. The total number of hours run during each consecutive 24-hour period;</li> </ul> </li> <li>b) If the Permittee chooses to restrict the fuel usage (flow rate) to the boilers to meet the permit limits for SO<sub>2</sub>, the following information shall be recorded: <ul style="list-style-type: none"> <li>1. The dates when the restrictions are used;</li> <li>2. The fuel flow rate; and</li> <li>3. The quantity of fuel used during each consecutive 24-hour period;</li> </ul> </li> <li>c) The fuel type;</li> <li>d) The calculated MMBtu/gallon of fuel; and</li> <li>e) The sulfur content as percent sulfur by weight of the fuel consumed.</li> </ul> <p>If more than one type of fuel is used, data on each fuel shall be recorded separately.</p> | Maintain on a continuous basis  | EU3 & EU4                       | ENV-A 901.03<br>Federally Enforceable |
| 7.            | <p>Monthly records of fuel utilization and hours of operation for each emergency generator and twelve consecutive month rolling totals of fuel utilization and hours of operation for each emergency generator shall be kept at the facility and contain the following information:</p> <ul style="list-style-type: none"> <li>a) Consumption;</li> <li>b) Fuel type;</li> <li>c) Sulfur content as percent sulfur by weight of fuel;</li> <li>d) Btu content per gallon or cubic feet of fuel; and</li> <li>e) Hours of operation of each emergency generator.</li> </ul>  | Monthly & consecutive 12 month rolling total of fuel consumption, and monthly & consecutive 12 month rolling total hours of operation | EU5 & EU6                       | Env-A 901.03<br>Federally Enforceable |
| 8.            | <p>Daily, monthly, and annual records shall be kept regarding process operations including the following information:</p> <ul style="list-style-type: none"> <li>a) Daily hours of operation for each process;</li> <li>b) Monthly records of the total quantities of raw materials used in each process;</li> <li>c) Distribution of the process discharges if the process discharges air pollutants through more than one discharge point; and</li> <li>d) Concentrations of pollutants in pounds per hour for each process.</li> </ul>   | Maintain on a continuous basis  | Facility Wide                   | Env-A 901.04<br>Federally Enforceable |

**Table 7 – Applicable Recordkeeping Requirements**

| <b>Item #</b> | <b>Applicable Recordkeeping Requirement</b>   | <b>Records Retention Requirement</b> | <b>Applicable Emission Unit</b>          | <b>Regulatory Cite.</b>               |
|---------------|---|--------------------------------------|--|---------------------------------------|
| 9.            | Annual records of actual emissions for each significant and insignificant activity for determination of emission based fees.  | Maintain at facility at all times    | Significant and insignificant activities | Env-A 704.03<br>Federally Enforceable |
| 10.           | <p>VOC Recordkeeping Requirements:</p> <p>To satisfy the requirements of Env-A 901.06(d) and Env-A 901.06(g), the Permittee shall record the following information:</p> <ul style="list-style-type: none"> <li>a) Facility information, including: <ul style="list-style-type: none"> <li>1. Source name;</li> <li>2. Source identification;</li> <li>3. Physical address;</li> <li>4. Mailing address; and</li> </ul> </li> <li>b) Identification of each VOC emitting device or process;</li> <li>c) The following production, raw material usages and VOC emissions data for each VOC emitting device identified in b) above: <ul style="list-style-type: none"> <li>1. Days of operation per calendar week during the normal operating schedule;</li> <li>2. Hours of operation per day during normal operating conditions;</li> <li>3. Hours of operation per year under normal operating conditions;</li> </ul> </li> <li>d) Annual theoretical potential emissions, using the VOC content for the calculation year for each VOC-emitting device or process identified in b) above, in tons per year.</li> <li>e) Actual emissions, using the VOC content for the calculation year for each VOC-emitting device or process identified in b) above, in tons per year and a typical day during the high ozone season in pounds per day.</li> <li>f) Applicable emission factors, if used to calculate emissions.</li> <li>g) Process information, including throughput data, shall be recorded for each device or process.</li> </ul> | On a continuous basis                | Facility Wide                            | Env-A 901.06<br>Federally Enforceable |

**Table 7 – Applicable Recordkeeping Requirements**

| <b>Item #</b> | <b>Applicable Recordkeeping Requirement</b>  | <b>Records Retention Requirement</b> | <b>Applicable Emission Unit</b> | <b>Regulatory Cite.</b>                          |
|---------------|--|--------------------------------------|---------------------------------|--|
| 11.           | <p><b>NO<sub>x</sub> Recordkeeping Requirements:</b></p> <p>For fuel burning devices, including boilers, and internal combustion engines, the following information shall be recorded and maintained:</p> <ul style="list-style-type: none"> <li>a) Facility information, including: <ul style="list-style-type: none"> <li>1. Source name;</li> <li>2. Source identification;</li> <li>3. Physical address;</li> <li>4. Mailing address; and</li> <li>5. A copy of the certificate of accuracy required to be maintained pursuant to Env-A 901.04.</li> </ul> </li> <li>b) Identification of each fuel burning device;</li> <li>c) Operating schedule information for each fuel burning device identified in b), above, including: <ul style="list-style-type: none"> <li>1. Days per calendar week during the normal operating schedule;</li> <li>2. Hours per day during the normal operating schedule and for a typical ozone season day, if different from the normal operating schedule; and</li> <li>3. Hours per year during the normal operating schedule;</li> </ul> </li> <li>d) Type, and amount of fuel burned, for each fuel burning device, during normal operating conditions and for a typical ozone season day, if different from normal operating conditions, on an hourly basis in million Btu's per hour and;</li> <li>e) The following NO<sub>x</sub> emission data, including records of total annual emissions, in tons per year, and typical ozone season day emissions, in pounds per day; <ul style="list-style-type: none"> <li>1. Theoretical potential emissions for the calculation year for each fuel burning device; and</li> <li>2. Actual NO<sub>x</sub> emissions for each fuel-burning device.</li> </ul> </li> </ul> | On a continuous basis                | Facility Wide                   | Env-A 901.08<br>Federally Enforceable            |
| 12.           | Tillotson Healthcare shall record actual annual emissions speciated by individual regulated air pollutants, including a breakdown of VOC emissions by compound.  | On a quarterly basis                 | Facility Wide                   | Env-A 907.01(new rule)<br>State-only Enforceable |

## F. Reporting Requirements:

The Permittee shall be subject to the reporting requirements identified in Table 8 – Applicable Reporting Requirements, below:

| Table 8 – Applicable Reporting Requirements |  |   |                          |  |
|---|--|---|--------------------------|--|
| Item #                                      | Reporting Requirements   | Frequency of Reporting  | Applicable Emission Unit | Regulatory Cite                                    |
| 1.  | <p>The Permittee shall submit a summary report of all permit deviations, and testing and monitoring data as specified in <a href="#">Table 6</a> of this permit including:</p> <ul style="list-style-type: none"> <li>a) Preventative maintenance and inspection results for stacks and emission units;</li> <li>b) Summary of testing and/or delivery ticket certifications for fuel sulfur content limitation provisions; and</li> <li>c) Summary of maintenance and repair records for PCE1;</li> <li>d) Summary of maintenance, calibration, and repair records for the fuel flow meters associated with Dillon boilers #1 and #2; and</li> <li>e) Summary of fuel usage for the Wicks Type-A boiler, Wicks Wood-Fired boiler and Dillon boilers #1 and #2.</li> </ul> | Every 6 months (no later than the 30th day of the following month of each calendar half year) | Facility Wide            | 40 CFR 70.6(a)(3)(iii)(A)<br>Federally Enforceable |
| 2.  | The Permittee shall submit an annual fuel usage report indicating consecutive 24-hour and consecutive 12 month rolling totals of fuel utilization for the four boilers and corresponding fuel information as outlined in Condition VIII.E., <a href="#">Table 7 Items 4, 5 and 6</a> .   | Annually (no later than April 15 <sup>th</sup> of the following year)                         | EU1, EU2, EU3 & EU4      | Env-A 901.09<br>Federally Enforceable              |
| 3.  | The Permittee shall submit an annual fuel usage report indicating consecutive 24-hour period and consecutive 12 month rolling totals of fuel utilization for each of the two emergency generators and corresponding fuel information as outlined in Condition VIII. E, <a href="#">Table 7 Item 7</a> .  | Annually (no later than April 15 <sup>th</sup> of the following year)                         | EU5, & EU6               | Env-A 901.09<br>Federally Enforceable              |
| 4.  | <p>NOx Reporting Requirements:</p> <p>For fuel burning devices, including boilers, and engines, as well as miscellaneous sources, the owner or operator shall submit to the Director, annually (no later than April 15<sup>th</sup> of the following year), reports of the data required by Condition VIII.E, <a href="#">Table 7, Item 11</a>, including total annual quantities of all NOx emissions.</p>  | Annually (no later than April 15 <sup>th</sup> of the following year)                         | Facility Wide            | Env-A 901.09<br>Federally Enforceable              |

**Table 8 – Applicable Reporting Requirements**

| <b>Item #</b> | <b>Reporting Requirements</b>  | <b>Frequency of Reporting</b>   | <b>Applicable Emission Unit</b> | <b>Regulatory Cite</b>   |
|---------------|--|---|---------------------------------|--|
| 5.            | VOC Reporting Requirements:<br>For all VOC emitting devices and processes, as well as miscellaneous sources, the owner or operator shall submit to the Director, annually (no later than April 15 <sup>th</sup> of the following year), reports of the data required by Condition VIII.E, <b>Table 7, Items 10</b> , including total annual quantities of all VOC emissions.   | Annually (no later than April 15 <sup>th</sup> of the following year) | Facility Wide                   | Env-A 901.07<br>Federally Enforceable                                |
| 6.            | General VOC Reporting Requirements:<br>In addition to the information required in Item 7 above, for all VOC emitting devices and processes, as well as miscellaneous sources. The owner or operator shall submit to the Director, annually (no later than April 15 <sup>th</sup> of the following year), reports of the data required by Condition VIII.E, <b>Table 7, Items 12</b> , including actual annual emissions speciated by individual regulated air pollutant, including a breakdown of VOC emissions by compound. | Annually (no later than April 15 <sup>th</sup> of the following year) | Facility Wide                   | Env-A 907.01 &<br>Env-A 908 (new rule), State-only Enforceable       |
| 7.            | Prompt reporting of deviations from Permit requirements shall be conducted in accordance with Section XXVIII of this Permit.   | Prompt reporting (within 24 hours of an occurrence)                   | Facility Wide                   | Env-A 902.02 &<br>40 CFR 70.6(a)(3)(iii)(B)<br>Federally Enforceable |
| 8.            | Any report submitted to the DES and/or EPA shall include the certification of accuracy statement outlined in Section XXI.B. of this Permit and shall be signed by the responsible official.  | As specified  | Facility Wide                   | 40 CFR 70.6(c)(1)<br>Federally Enforceable                           |
| 9.            | Annual reporting and payment of emission based fees for pollutants, including but not limited to SO <sub>2</sub> , NO <sub>x</sub> , CO, TSP, VOCs and New Hampshire Regulated Air Toxic Pollutant (RTAP) emissions, shall be conducted in accordance with Section XXIII of this Permit.   | Annually (no later than April 15 <sup>th</sup> of the following year) | Facility Wide                   | Env-A 704.03<br>Federally Enforceable                                |
| 10.           | Annual compliance certification shall be submitted in accordance with Section XXI of this Permit.  | Annually (no later than April 15 <sup>th</sup> of the following year) | Facility Wide                   | 40 CFR 70.6(c)(1)<br>Federally Enforceable                           |

## G. Compliance Plan

In addition to the above state and federally enforceable requirements, the Permittee shall adhere to the schedule put forth in the Compliance Plan submitted on April 25, 2000 and outlined in Table 9 – Compliance Plan.

| Table 9 – Compliance Plan |  |  |
|---------------------------|--|--|
| Item #                    | Compliance Task  | Compliance Date                        |
| 1.                        | Compliance with federally enforceable SO <sub>2</sub> emission limit:  | April 1, 2000<br><br>September 1, 2001 |
|                           | a) Change over to #6 fuel oil with sulfur content of 0.5% by weight.   |  |
|                           | b) Modification to EU2 (Wicks Type A boiler) stack:  |  |
|                           |  |  |
|                           |  |  |
|                           |  |  |
|                           |  |  |
|                           |  |  |
| 2.                        | Compliance with federally enforceable particulate matter emission limit:   | June 1, 2000                           |
|                           | a) Develop a regular maintenance schedule per manufacturer’s recommendations for the cyclone particulate device attached to EU1 (Wicks Type A wood-fired boiler), to ensure an operational efficiency at 90% or greater. | June 1, 2000                           |
|                           | b) Maintain the maintenance procedures, schedules, and the logbook as part of standard recordkeeping for the Title V permit.   |  |

The Permittee shall submit written progress reports to DES within 30-days of completion of the major milestones as detailed in Table 9 above. If milestone dates will not be or are not met, the Permittee shall submit to DES in writing, the reasons and a good faith estimate of completion. Copies of compliance plans and other official correspondences shall be kept on file at DES and at the facility. All reports of compliance for the issues specified in VIII.G., shall be submitted to the following address:

New Hampshire Department of Environmental Services  
Air Resources Division  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
ATTN: Andrew M. O'Sullivan, Engineering Bureau

## IX. Requirements Currently Not Applicable:

Requirements not currently applicable to the facility were not identified by the Permittee.

## General Title V Operating Permit Conditions

### **X. Issuance of a Title V Operating Permit:**

This Permit is issued in accordance with the Provisions of Part Env-A 609. In accordance with 40 CFR 70.6(a)(2) this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.

Permit expiration terminates the Permittees' right to operate the Permittees' emissions units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

Pursuant to Env-A 609.02(b), this Permit shall be a state permit to operate as defined in RSA 125-C:11, III.

### **XI. Title V Operating Permit Renewal Procedures:**

Pursuant to Env-A 609.06(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

### **XII. Application Shield:**

Pursuant to Env-A 609.07, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

### **XIII. Permit Shield:**

Pursuant to Env-A 609.08(a), a permit shield shall provide that:

1. For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
2. For any potential applicable requirement or any potential state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically identified in this Title V Operating Permit Section IX Table 8 as not applicable to the stationary source or area source, the Permittee need not comply with the specifically identified federal or state requirements.

The permit shield identified in Section XIII. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.08(b). It shall not apply to certain conditions as specified in Env-A 609.08(c) that may be incorporated into this Permit following permit issuance by DES.

If a Title V Operating Permit and amendments there to issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the NH Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall not be covered by the

permit shield and the Permittee shall comply with the provisions of said requirement to the extent that it applies to the Permittee.

If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit, which are affected, directly or indirectly, by the inaccurate or incomplete information.

Pursuant to Env-A 609.08(f), nothing contained in Section XIII of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.18 or to exercise its summary abatement authority.

Pursuant to Env-A 609.08(g), nothing contained in this section or in any Title V Operating Permit issued by the DES shall alter or affect the following:

1. The ability of the DES to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
2. The state of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15, II;
3. The provisions of section 303 of the Act regarding emergency orders including the authority of the EPA Administrator under that section;
4. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
5. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act;
6. The ability of the DES or the EPA Administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to section 114 of the Act; or
7. The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

#### **XIV. Reopening for Cause**

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.18(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.18(b) through (g).

#### **XV. Administrative Permit Amendments**

Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Part Env-A 100 immediately upon submittal of the request.

Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

## **XVI. Operational Flexibility**

Pursuant to Env-A 612.02(a), the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions under this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application for and obtaining an amended Title V Operating Permit, provided that all the conditions are met as specified in section XVI. A. 1. through 7. of this permit and a notice is submitted to the DES and EPA describing the intended changes. At this point, DES has not included any permit terms authorizing emissions trading in this permit.

1. The change is not a modification under any provision of title I of the Act;
2. The change does not cause emissions to exceed the emissions allowable under the Title V Operating Permit, whether expressed therein as a rate of emissions or in terms of total emissions;
3. The owner or operator has obtained any temporary permit required by Env-A 600;
4. The owner or operator has provided written notification to the director and administrator at least 15 days prior to the proposed change and such written notification includes:
  - a) The date on which each proposed change will occur;
  - b) A description of each such change;
  - c) Any change in emissions that will result and how this change in emissions will comply with the terms and conditions of the permit;
  - d) A written request that the operational flexibility procedures be used; and
  - e) The signature of the responsible official, consistent with Env-A 605.04(b);
5. The Title V Operating Permit issued to the stationary source or area source already contains terms and conditions including all terms and conditions which determine compliance required under 40 CFR 70.6(a) and (c) and which allow for the trading of emissions increases and decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;
6. The owner or operator has included in the application for the Title V Operating Permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes to the Title V Operating Permit which qualify under a federally- enforceable emissions cap that is established in the Title V Operating Permit independent of the otherwise applicable requirements; and
7. The proposed change complies with Env-A 612.02 (e).

Pursuant to Env-A 612.02(c), the Permittee subject to and operating under this Title V Operating Permit may make changes not addressed or prohibited by this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application, provided that all the conditions specified in Env-A 612.02(c)(1) through (6) are met and a notice is submitted to the DES and EPA describing the intended changes.

Pursuant to Env-A 612.02(d), the Permittee, Operator, Director and Administrator shall attach each notice of an off-permit change completed in accordance with Section XVI of this Title V Operating Permit to their copy of the current Title V Operating Permit.

Pursuant to Env-A 612.02(e), any change under Section XVI shall not exceed any emissions limitations established under the NH Rules Governing the Control of Air Pollution, or result in an increase in emissions, or result in new emissions, of any toxic air pollutant or hazardous air pollutant other than those listed in the existing Permit.

Pursuant to Env-A 612.02(f), the off-permit change shall not qualify for the permit shield under Env-A 609.08.

## **XVII. Minor Permit Amendments**

Pursuant to Env-A 612.04 prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.04(b).

The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.04(c) through (g).

Pursuant to Env-A 612.04(g), the permit shield specified in Env-A 609.08 shall not apply to minor permit amendments under Section XVII. of this Permit.

Pursuant to Env-A 612.04(I), the Permittee shall be subject to the provisions of Part Env-A 614 and Part Env-A 615 if the change is made prior to the filing with the Director a request for a minor permit amendment.

## **XVIII. Significant Permit Amendments**

Pursuant to Env-A 612.05, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.05(a)(1) through (7).

Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director, which includes all the information as referenced in Env-A 612.05(b) and (c) and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of Env-A 614 and Env-A 615 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an amended Title V Operating Permit.

The Director shall take final action on the significant permit amendment in accordance with the Procedures specified in Env-A 612.05(d), (e) and (f).

## **XIX. Title V Operating Permit Suspension, Revocation or Nullification**

Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:

1. The Permittee has committed a violation of any applicable statute or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, order or permit condition in force and applicable to it; or
2. That the emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.

The Director shall nullify any Permit, if following a hearing in accordance with RSA 541-A:30, II, a finding is made that the Permit was issued in whole or in part based upon any information proven to be intentionally false or misleading.

## **XX. Inspection and Entry**

Pursuant to Env-A 614.01, EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6,VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the NH Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

## **XXI. Certifications**

### **A. Compliance Certification Report**

In accordance with 40 CFR 70.6(c) the Responsible Official shall certify, for the previous calendar year, that the facility is in compliance with the requirements of this permit. The report shall be submitted annually, no later than April 15th of the following year. The report shall be submitted to the DES and to the U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5), the report shall describe:

1. The terms and conditions of the Permit that are the basis of the certification;
2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether the method was continuous or intermittent during the reporting period;
3. The methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
4. Any additional information required by the DES to determine the compliance status of the source.

### **B. Certification of Accuracy Statement**

All documents submitted to the DES shall contain a certification of accuracy statement by the responsible official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

All reports submitted to DES (except those submitted as emission based fees as outlined in Section XXIII of this Permit) shall be submitted to the following address:

New Hampshire Department of Environmental Services  
Air Resources Division  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
ATTN: Compliance Bureau

All reports submitted to EPA shall be submitted to the following address:

Office of Environmental Stewardship  
Director Air Compliance Program  
United States Environmental Protection Agency  
1 Congress Street  
Suite 1100 (SEA)  
Boston, MA 02114-2023  
ATTN: Air Compliance Clerk

## **XXII. Enforcement**

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. Section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii) a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

## **XXIII. Emission-Based Fee Requirements**

The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 704.03.

The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 704.03(a) for each calendar year in accordance with the methods specified in Env-A 620.

The Permittee shall calculate the annual emission-based fee for each calendar year in accordance with the procedures specified in Env-A 704.03 and the following equation:

$$FEE = E * DPT * CP \text{ Im} * ISF$$

Where:

|                    |   |
|--------------------|---|
| FEE =              | The annual emission-based fee for each calendar year as specified in Env-A 704.   |
| E =                | The emission-based multiplier is based on the calculation of total annual emissions as specified in Env-A 704.02 and the provisions specified in Env-A 704.03(a). |
| DPT =              | The dollar per ton fee the DES has specified in Env-A 704.03(b).  |
| CPI <sub>m</sub> = | The Consumer Price Index Multiplier as calculated in Env-A 704.03(c).   |
| ISF =              | The Inventory Stabilization Factor as specified in Env-A 704.03(d).   |

The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor and for the value of the Consumer Price Index Multiplier.

The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXIII.B., and C of this Permit for each calendar year by October 15<sup>th</sup> of the following calendar year in accordance with Env-A 704.04. The emission-based fee and summary of the calculations shall be submitted to the following address:

New Hampshire Department of Environmental Services  
Air Resources Division  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
ATTN.: Emissions Inventory

The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 704.05.

#### **XXIV. Duty To Provide Information**

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Part Env-A 103 at the time such information is submitted to DES. DES shall evaluate such requests in accordance with the provisions of Part Env-A 103.

#### **XXV. Property Rights**

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

#### **XXVI. Severability Clause**

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

**XXVII. Emergency Conditions**

Pursuant to 40 CFR 70.6(g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>14</sup> emission limitations specified in this Permit as a result of an emergency<sup>15</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

**XXVIII. Permit Deviation:**

In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements, by telephone or fax, within 24 hours of discovery of such deviation pursuant to Env-A 902.02. This report shall include the deviation itself, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Said Permit deviation shall also be submitted in writing to the DES within fifteen (15) days of documentation of the deviation by facility personnel. Deviations are instances where any Permit condition is violated and has not already been reported as an emergency pursuant to Section XXVII of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.

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<sup>14</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>15</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.